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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/089,030   | 08/26/2002  | Rainer Grimm         | 60130-1371          | 9478             |
| 26096  | 7590        | 10/03/2003           | EXAMINER            |                  |
| CARLSON, GASKEY & OLDS, P.C.<br>400 WEST MAPLE ROAD<br>SUITE 350<br>BIRMINGHAM, MI 48009 |             |                      | REDMAN, JERRY E     |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3634                |                  |

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                      |                     |  |
|------------------------------|----------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Applicant No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/089,030           | GRIMM ET AL.        |  |
|                              | <b>Examiner</b>      | <b>Art Unit</b>     |  |
|                              | Jerry Redman         | 3634                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 August 2002.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 12-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 12-23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> . | 6) <input type="checkbox"/> Other: _____                                    |

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Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

The drawings are objected to because it appears that that cross-sectional view of Figure 1D is incorrect because the Figure fails to show element 10B. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The disclosure is objected to because of the following informalities: On page 2, line 6, the applicant refers to "claim 1" which is indefinite and fails to correctly describe the invention.

Appropriate correction is required.

Claims 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is a lack of antecedent basis for the following: In claim 21, line 2, "said inner shell"; and claim 22, line 2, "said outer shell".

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12-19, and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Heim et al. ('668). As shown in Figure 6, Heim et al. ('668) disclose a

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vehicle door (1) formed between an interior and exterior shell comprising a U-shaped frame (3 and 9), a window pane (10), adhesively attached guides (47) attached to the window pane (10), and a motor (42) attached to cables guided within the U-shaped frame (3 and 9).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heim et al. ('668) in view of Schulte et al. All of the elements of the instant invention are discussed in detail above except providing the U-shaped structure to be formed of aluminum. Schulte et al. disclose a door framed structure for guiding a window pane formed of aluminum. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the U-shaped frame structure of Heim et al. ('668) to be formed of aluminum as taught by Schulte et al. since aluminum is lighter and cheaper to form into different shapes without loosing rigidity and strength.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. patent to Heim et al. ('176) disclose a vehicle door having a u-shaped structure similar to that of the applicant's invention. U.S. patent to Heim et al. ('645) disclose a U-shaped structure similar to that of the applicant's invention. U.S. patent to Hashimoto et al. disclose a vehicle door structure mounting a window pane guided within a U-shaped structure similar to that of the applicant's invention.

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Any inquiry concerning this communication should be directed to Jerry Redman  
at telephone number 703-308-2120.



Jerry Redman  
Primary Examiner